

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

October 23, 2018

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Robert Rochester, Chair
Michael Miller
Rex McCarty
Rickey Stuchell
Janel Hofler
Edythe Kelleher
Fay B. Silverman (arrived at 10:16 a.m.)
Kelvin Bratton
H. Glenn James

Board members absent from the meeting: Chris King

DPOR Staff present for all or part of the meeting included:

Christine Martine, Executive Director
Jim Chapman, Board Administrator
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Mr. Rochester called the meeting to order at 10:09 A.M.

Call to Order

A motion was made by Mr. McCarty and seconded by Ms. Hofler to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester and Stuchell.

Approval of Agenda

A motion was made by Mr. Miller and seconded by Mr. McCarty to approve the July 31, 2018, Real Estate Appraiser Board minutes. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller and Rochester. Stuchell abstained from voting in the matter.

Approval of Minutes

Mack Strickland thanked the Board and staff for their work and professionalism during his term as a Board member.

Public Comment

Pat Turner addressed the Board with a recap of items discussed during the 2018 AARO Conference including hybrid appraisals and evaluations. No action was taken by the Board.

Board member Fay Silverman arrived at 10:16 A.M.

Arrival of Board Member

In the matter of **File Number 2019-00522, Jason L. Cowan**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Jason L. Cowan, applicant, was present and addressed the Board. A motion was made by Mr. Miller and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Cowan's application for a Certified General Real Estate Appraiser license. The Board reviewed the facts, and considered the Summary and Recommendation, determining from the review of sample appraisal reports provided performed by Mr. Cowan that he does not have the essential experience to be competent at this time and may pose a significant risk to the public if granted a license. The motion passed unanimously. Members voting "Yes" were Bratton, James, Hofler, Kelleher, McCarty, Miller, Rochester and Silverman.

File Number 2019-00522, Jason L. Cowan

As the presiding Board member, Mr. Stuchell did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2019-00294, John A. Layman, Jr.**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. John A. Layman, Jr., applicant, was present and addressed the Board. A motion was made by Mr. Miller and seconded by Ms. Kelleher to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Layman's application

File Number 2019-00294, John A. Layman, Jr.

for a Licensed Residential Real Estate Appraiser license. The Board reviewed the facts, and considered the Summary and Recommendation, determining from the review of sample appraisal reports provided Mr. Layman that he does not have the essential experience or competent at this time and may pose a significant risk to the public if granted a license. The motion passed unanimously. Members voting "Yes" were James, Hofler, Kelleher, McCarty, Miller and Rochester. Bratton and Silverman abstained from voting in the matter.

As the presiding Board member, Mr. Stuchell did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2018-00487, Cecil Simmons**, the Board reviewed the record which consisted of the investigative file, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. McCarty and seconded by Ms. Silverman to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to remand the case to the Compliance and Investigations Division for further investigation and instead find a violation of 18 VAC 130-20-180.H.2 (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, James, Hofler, Kelleher, McCarty, Miller, Rochester and Silverman. A motion was made by Ms. Silverman and seconded by Mr. James to impose a monetary penalty of \$250.00 for the violation contained in Count 1, and voted to have staff open a new case to investigate the appraisal report and work file for the appraisal report that Simmons submitted after the Informal Fact-Finding Conference to ascertain if it contains evidence of further violations of the Board's regulations. The motion passed unanimously. Members voting "Yes" were Bratton, James, Hofler, Kelleher, McCarty, Miller, Rochester and Silverman.

File Number 2018-00487, Cecil Simmons

As the presiding Board member, Mr. Stuchell did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2018-02205, Noman Yosaf Mirza**, the Board reviewed the record which consisted of the investigative file, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Miller and seconded by Mr. Bratton to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester and Silverman.

File Number 2018-02205, Noman Yosaf Mirza

A motion was made by Mr. McCarty and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00 for the violation contained in Count 1. In addition, for the violation of Count 1, the Board imposes license revocation. The license revocation shall be stayed, and Mirza's license shall be placed on probation for one year under the following terms:

1. Mirza shall not violation any law or regulation governing the Board, and
2. Mirza shall not supervise any trainee while his license is on probation.

If Mirza violates any terms of his probation, revocation shall be imposed. A substitute motion was made by Mr. James and seconded by Ms. Kelleher to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,000.00 for the violation contained in Count 1. In addition, for the violation of Count 1, the Board imposes license revocation. The license revocation shall be stayed, and Mirza's license shall be placed on probation for one year under the following terms:

1. Mirza shall not violation any law or regulation governing the Board, and
2. Mirza shall not supervise any trainee while his license is on probation.

If Mirza violates any terms of his probation, revocation shall be imposed. The Board amended the recommended monetary penalty to better reflect the severity of Mirza's

violation. The motion passed by majority vote. Members voting "Yes" were Bratton, James, Hofler, Kelleher, Miller, Rochester and Silverman. Member voting "No" was McCarty.

A motion was made by Mr. James and seconded by Ms. Kelleher to make the substitute motion the main motion. The motion passed by majority vote. Members voting "Yes" were Bratton, James, Hofler, Kelleher, Miller, Rochester and Silverman. Member voting "No" was McCarty.

A motion was made by Mr. McCarty and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close Count 2 with a finding of no violation of 18 VAC 130-20-170.3 of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, James, Hofler, Kelleher, McCarty, Miller, Rochester and Silverman.

As the presiding Board member, Mr. Stuchell did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-02760, Derek A. Fisher**, the Board reviewed the Consent Order as seen and agreed to by Mr. Fisher. A motion was made by Ms. Kelleher and seconded by Mr. Bratton to accept the proposed Consent Order offer. The motion was withdrawn. A motion was made by Mr. Miller and seconded by Ms. Silverman to reject the proposed Consent Order and instead close the file and find no violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester and Silverman.

File Number 2018-02760, Derek A. Fisher

As the Board member who reviewed the file, Mr. Stuchell did not vote or participate in the discussion of this matter.

In the matter of **File Number 2018-03241, Craig H. Butterfield**, the Board reviewed the Consent Order as seen and agreed to by Mr. Butterfield. A motion was made by Mr. James and seconded by Mr. McCarty to

File Number 2018-03241, Craig H. Butterfield

accept the proposed Consent Order offer wherein Mr. Butterfield admits to a violation of 18 VAC 130-20-180.M.4 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.M.5 (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 2, and \$150.00 in Board costs, for a total of \$400.00. The motion passed by majority vote. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Rochester and Stuchell. Member voting "No" was Silverman.

As the Board member who reviewed the file, Mr. Miller did not vote or participate in the discussion of this matter.

In the matter of **File Number 2019-00543, Megan Elizabeth Balch**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Megan Elizabeth Balch, applicant, was present and addressed the Board. A motion was made by Mr. James and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference a to approve Ms. Balch's application for a Certified Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Rochester, Silverman and Stuchell.

File Number 2019-00543,
Megan Elizabeth Balch

As the Board member who reviewed the file, Mr. Miller did not vote or participate in the discussion of this matter.

A motion was made by Mr. Stuchell and seconded by Mr. McCarty to adopt the following resolution to honor the years of dedicated Board service by former Board Member Mack Strickland:

Resolution – Mack
Strickland

RESOLUTION IN HONOR OF
Mack Strickland

WHEREAS, Mack Strickland, has faithfully and diligently served as a member of the Real Estate Appraiser Board since

2013; and

WHEREAS, Mack Strickland, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Mack Strickland, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Appraiser Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Appraiser Board this twenty-third day of October, 2018, that **Mack Strickland** be given all honors and respect due him for his outstanding service to the Commonwealth, citizens and the Real Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Members voting “Yes” were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester, Silverman and Stuchell.

A motion was made by Mr. Stuchell and seconded by Mr. McCarty to adopt the following resolution to honor the years of dedicated Board service by former Board Member Jean Gannon:

Resolution – Jean Gannon

RESOLUTION IN HONOR OF

Jean Gannon

WHEREAS, Jean Gannon, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2013; and

WHEREAS, Jean Gannon, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Jean Gannon, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Appraiser Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Appraiser Board this twenty-third day of October, 2018, that **Jean Gannon** be given all honors and respect due her for her outstanding service to the Commonwealth, citizens and the Real Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester, Silverman and Stuchell.

A motion was made by Ms. Silverman and seconded by Mr. Stuchell to approve the application review matrix presented to the Board. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester, Silverman and Stuchell.

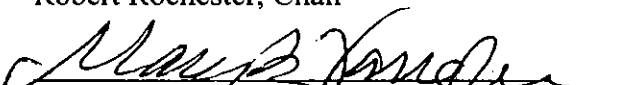
New Business

There being no further business, the meeting adjourned at 11:33 A.M.

Adjourn



Robert Rochester, Chair



Mary Broz-Vaughan, Acting Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Michael Miller
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

10/23/18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Robert Rochester
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interest in any transactions taken at this meeting.

Robert D. Rochester
Signature

10/23/2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Rex E. McCarty
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

10/23/18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Edythe Kelleher
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

10-23-2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Janel E. Hofler
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interest in any transactions taken at this meeting.

Janel E Hofler
Signature

10-23-18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Kelvin Bratton
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:

Stephen T Wampler, (Former Employer + Personal Friend)
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

[Signature]
Signature

Oct. 23, 2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: H. Glenn James
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:

NONE

(Agenda Item)

Nature of Personal Interest Affected by Transaction: NONE

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Certified General Real Estate Appraiser

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interest in any transactions taken at this meeting.

H. Glenn James
Signature

23 Oct 2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Fay B. Silverman
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
(Date)

5. I have a personal interest in the following transaction:


(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

10/23/18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Richard "Rickey" D. Stuchell
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: October 23, 2018
5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

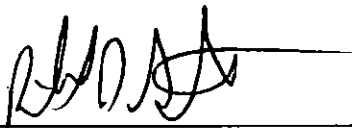
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

10/23/18

Date